

1 **DOUGLAS L. RAPPAPORT (SBN 136194)**

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4 Attorney for Defendant

**THUY PHUOC DINH**

5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

8 **SAN JOSE DIVISION**

**\*E-FILED - 4/12/07\***

9 UNITED STATES OF AMERICA,

Case Number: 06-00195RMW

10 Plaintiff,

11 **STIPULATED REQUEST FOR**  
12 **CONTINUANCE WITH ~~PROPOSED~~**  
13 **ORDER VACATING MOTIONS AND**  
14 **JURY TRIAL DATES AND EXCLUDING**  
15 **TIME FROM THE SPEEDY TRIAL ACT**  
16 **CALCULATION (18**  
17 **U.S.C. §§3161(h)(8)(A) &**  
18 **3161(h)(8)(B)(iv))**

15 **THUY PYUOC DINH,**  
16 **AKA PIERRE DINH**

Defendant

17 \_\_\_\_\_/

18

19 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE UNITED STATES

20 ATTORNEY AND SUSAN KNIGHT, ASSISTANT UNITED STATES ATTORNEY:

21

22 The undersigned parties hereby respectfully request that the April 16, 2007 date currently set for

23 hearing on motions as well as the pre-trial date of May 3, 2007 and the jury trial date presently

24 scheduled for May 14, 2007 be vacated as counsel for Mr. Dinh was recently retained and has not

25 had a sufficient opportunity to review all discovery, draft motions and conduct any factual

26 investigation.

27 Specifically, please be advised that April 2, 2007 Mr. Dinh retained Douglas Rappaport, Esq. to

28 represent him on the above-entitled action, and on that same date, new counsel filed a Substitution

of Counsel with this Court.

1       Thereafter, on April 3, 2007, new counsel contacted the Assistant United States Attorney, Ms.  
2       Susan Knight, who agreed that counsel would need additional time to adequately represent his client.

3  
4       Thus, the parties hereby respectfully request that this Court make the following orders:

5       1. That the April 16, 2007 date for hearing on motions be vacated;

6       2. That the May 3, 2007 date for pre-trial conference be vacated;

7       3. That the May 14, 2007 date for jury trial be vacated; and,

8       4. That a future status conference date be set on June ~~21~~<sup>28</sup>, 2007 at 2:00 p.m. or other date thereafter

9       which is convenient for the Court.

10  
11       SO STIPULATED

12       DATED: 4/6/07

  
SUSAN KNIGHT  
Assistant United States Attorney

14       DATED: 4/6/07

  
DOUGLAS L. RAPPAPORT  
Attorney for THUY DINH

17       Accordingly, the Court HEREBY ORDERS that the motions hearing scheduled for April  
18       16, 2007 be vacated. In addition, the Court vacates the pretrial conference scheduled for May 3,  
19       2007 and the Jury Trial commencing on May 14, 2007. The Court ORDERS that the pretrial  
20       conference be scheduled for June ~~21~~<sup>28</sup>, 2007 at 2:00 p.m. June 28, 2007 (jg)

21       The Court further orders that the time between April 6, 2007 and June ~~21~~<sup>28</sup>, 2007 is  
22       excluded under the Speedy Trial Act. The Court finds that the failure to grant the requested  
23       continuance would deny the defendant effective preparation of recently retained defense counsel.  
24       The Court finds that the ends of justice served by granting the requested continuance outweigh  
25       the best interest of the public and the defendant in a speedy trial and in the prompt disposition of  
26       criminal cases.

1 The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.  
2 §§3161(h)(8)(A) and 3161(h)(8)(B)(iv).

3  
4  
5 IT IS SO ORDERED.

6  
7  
8 4/12/07

9 Dated

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge

1 ***United States v. PIERRE DINH***

2 U.S. District Court, Northern District of California, Case No. 06-00195RMW

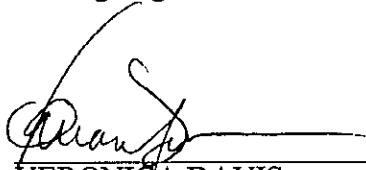
3 **PROOF OF SERVICE BY ELECTRONIC FILING**

4 I am a citizen of the United States; my business address is 260 California Street, Suite 1002  
5 San Francisco, California, 94104. I am employed in the City and County of San Francisco.

6 I am over the age of eighteen years and not a party to the within cause. I served the following  
7 documents: **STIPULATED REQUEST FOR CONTINUANCE WITH [PROPOSED] ORDER**  
8 **VACATING MOTIONS AND JURY TRIAL DATES AND EXCLUDING TIME FROM THE**  
9 **SPEEDY TRIAL ACT CALCULATION** (18 U.S.C. §§3161(h)(8)(A) & 3161(h)(8)(B)(iv)) on  
10 the all named counsel on the date set forth below by electronic filing with the ECF electronic e-  
11 filing system and e-mailing a copy to:

12 United States District Court  
13 JUDGE RONALD M. WHYTE  
Northern District of California  
RMWpo@cand.uscourts.gov

14 I declare under penalty of perjury that the foregoing is true and correct. Executed this 9<sup>th</sup> day  
15 of April 2007, at San Francisco, California.

16   
17 \_\_\_\_\_  
18 VERONICA DAVIS